

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

1 Jonathan Lewis,

2 Case No. 3:23-cv-00469-ART-CSD

3 Plaintiff,

4 ORDER

5 v.

6 State of Nevada, *et al.*,

7 Defendants.

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9 **I. DISCUSSION**

10 On September 20, 2023, Plaintiff, then a prisoner in the custody of the  
11 Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights  
12 action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) On October 4, 2024, this  
13 Court issued a screening order and stayed the case to give the parties an  
14 opportunity to settle their dispute. (ECF No. 7.) The order dated December 18,  
15 2024, setting the Inmate Early Mediation Conference was served on Plaintiff at  
16 Northern Nevada Correctional Center, his address of record, but was returned  
17 as undeliverable with the notation that Plaintiff was deceased. (See ECF Nos.  
18 11, 12, 13.)<sup>1</sup> On January 15, 2025, Defendants filed a suggestion of death on  
19 the record. (ECF No. 15.)

20 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and  
21 the claim is not extinguished, the court may order substitution of the proper  
22 party. A motion for substitution may be made by any party or by the decedent’s  
23 successor or representative. If the motion is not made within 90 days after  
24 service of a statement noting the death, the action by or against the decedent  
25 must be dismissed.” Fed. R. Civ. P. 25(a)(1). More than 90 days has passed, and

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27 <sup>1</sup>  
28 https://doc.nv.gov/uploadedFiles/docnvgov/content/About/Press\_Release/Death%20  
Jonathan%20Lewis%201154344.pdf.

1 no party has filed a motion to substitute. The Court accordingly dismisses the  
2 case.

3 **II. CONCLUSION**

4 It is therefore ordered that this case is dismissed. The Clerk of Court is  
5 directed to enter judgment accordingly and close this case.

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7 Dated this 22nd day of April 2025.

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ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE